

In re Application of:

Samy ASHKAR *et al.*

Application No.: 10/091,724

Group Art Unit: 1623

Filed: March 6, 2002

Examiner: Carla J. Myers

For: Gene expression profiles in breast tissue

Commissioner of Patents and Trademarks

U.S. Patent and Trademark Office

2011 South Clark Place

Customer Window, Mail Stop – AMENDMENT NO FEE

Crystal Plaza Two, Lobby, Room 1B03


Arlington, VA 22202

1. Transmitted herewith is a Response to the Restriction Requirement Office Action dated October 1, 2004, the period for reply to which extends to November 1, 2004.

2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants do not believe an extension of time is required. However, if Applicants have inadvertently overlooked the need for an extension of time, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: November 1, 2004
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PATENT
Attorney Docket No. 061816-5002-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Sir:

AMENDMENT & RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement dated October 1, 2004, Applicants hereby elect to prosecute the claims of Group I (claims 1 to 23) drawn to methods for identifying minicell hosts, with traverse.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.